

Mark C. Manning
Mark C. Manning, P.C.
431 W. 7th Ave., Ste 204
Anchorage, Alaska 99501
(907) 278-9794 Fax: 278-1169
Counsel for Plaintiff

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

CITICAPITAL COMMERCIAL CORP,)

Plaintiff,)

v.)

EGEGIK SPIRIT, official number)
299957, her equipment, gear, furniture,)
apparel, fixtures, tackle, boats, machinery)
anchors and all appurtenances, *in rem, et al.*,)

Defendants.)

IN ADMIRALTY
No. A-04-0147 CV (RRB)

WOODBINE ALASKA FISH CO.,)
in personam, and GUY FERRARI, INC.,)
in personam,)

Counter-claim Plaintiffs)

v.)

CITICAPITAL COMMERCIAL CORP.,)

Counter-claim Defendant)

STIPULATION TO JUDGMENTS AND TO DISMISSAL OF COUNTER-CLAIMS

The parties previously reported to the court that they were pursuing alternative dispute resolution. They have reached agreement to this stipulation, that resolves all pending claims in this action.

1. The parties stipulate that *in rem* judgments in the amount of the credit bids pursuant to

which the Defendant vessels were purchased at interlocutory sale may be entered against the proceeds of the sales. Since Plaintiff purchased the vessels with credit bids, and since nothing transpired that required Plaintiff to deposit any portion of the bids with the court, these *in rem* judgments will not require the clerk to disburse any funds.

2. The parties stipulate that judgment *in personam* in the total and sole amount of \$50,000.00 may be entered against Defendants Woodbine Alaska Fish Company and Guy Ferrari, Inc., jointly and severally.

3. The parties stipulate that, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), the counter-claims in this action are to be dismissed with prejudice, the parties to bear their respective costs and fees.

4. The parties stipulate to use of the accompanying form of *in rem* and *in personam* judgments and form of order dismissing the counter-claims.

s/ Mark C. Manning

MARK C. MANNING, P.C.
Counsel for Plaintiff/ Counter-claim
Defendant
431 West 7th Avenue, Ste. 204
Anchorage, AK 99501
Phone: (907) 278-9794
Fax: (907) 278-1169
manning@alaska.net
ABA No. 8110066

s/ Cory A. Birnberg (consent)

BIRNBERG & ASSOCIATES
Counsel for Defendants/ Claimants/
Counter-claim Plaintiffs
703 Market Street, Suite 600
San Francisco, CA 94103
Phone: (415) 398-1040
Fax: (415) 398-2001
birnberg@birnberg.com